

Senate Bill No. 112

CHAPTER 272

An act to amend Sections 9250.7 and 22710 of the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1997. Filed with
Secretary of State August 15, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 112, Kopp. Vehicles: service authorities for the abatement of abandoned vehicles.

(1) Existing law authorizes the establishment of service authorities for the abatement of abandoned vehicles and provides for funding of those authorities with allocations by the Controller from the Abandoned Vehicle Trust Fund. Existing law authorizes a service authority to impose a \$1 service fee on vehicles registered to an owner with an address in the county that established the service authority, as prescribed. Existing law requires any of those funds received by a service authority that are not expended to abate abandoned vehicles pursuant to an approved abandoned vehicle abatement program within 90 days of the close of the fiscal year in which the funds were received to be returned to the Controller for deposit in the Motor Vehicle Account in the State Transportation Fund.

This bill would require, instead, if any funds received by a service authority pursuant to this section are not expended to abate abandoned vehicles pursuant to an approved abandoned vehicle abatement program within 90 days of the close of the fiscal year in which the funds were received and the amount of those funds exceeds the amount expended by the service authority for the abatement of abandoned vehicles in the previous fiscal year, that the fee be suspended for one year, commencing the following January 1.

(2) Under existing law, the Department of the California Highway Patrol is required to provide guidelines for abandoned vehicle abatement programs, including, but not limited to, requiring each service authority receiving funds from the fund to report to the department on a quarterly basis, in a manner prescribed by the department, the manner that the funds were disbursed, and the number of vehicles abated, pursuant to an approved abandoned vehicle abatement program. The report is required to be submitted to the department not later than 90 calendar days following the end of the previous quarter. The Controller is prohibited from making any allocations for a calendar year to a service authority when, among

other things, the service authority has failed to provide its quarterly report as required by the department's guidelines. A service authority is required to apportion the funds it receives to its member governmental agencies, based on the percentage of vehicles abated by each agency of the total number of abandoned vehicles abated by all member agencies.

This bill would require a service authority to calculate a formula to apportion 50% of those funds to a member governmental agency based on the percentage of vehicles abated by the governmental agency of the total number of abandoned vehicles abated by all member agencies, and 50% based on population and geographic area, as determined by the service authority, thereby imposing a state-mandated local program.

The bill would require that the quarterly report to the department be submitted, instead, to the Controller.

The bill would also appropriate \$480,000 from the Abandoned Vehicle Trust Fund to the Controller for allocation to the service authorities for the abatement of abandoned vehicles in the City and County of San Francisco and the County of San Benito, from which funds were withheld during the 1997 calendar year by the Controller under the provision specified above, with those allocations to be in an amount equal to the amount that was withheld in that calendar year.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 9250.7 of the Vehicle Code is amended to read:

9250.7. (a) A service authority established under Section 22710 may impose a service fee of one dollar (\$1) on vehicles registered to an owner with an address in the county that established the service authority. The fee shall be paid to the department at the time of

registration, or renewal of registration, or when renewal becomes delinquent, except on vehicles that are expressly exempted under this code from the payment of registration fees.

(b) The department, after deducting its administrative costs, shall transmit, at least quarterly, the net amount collected pursuant to subdivision (a) to the Treasurer for deposit in the Abandoned Vehicle Trust Fund, which is hereby created. All money in the fund is continuously appropriated to the Controller for allocation to a service authority that has an approved abandoned vehicle abatement program pursuant to Section 22710, and for payment of the administrative costs of the Controller. After deduction of its administrative costs, the Controller shall allocate the money in the Abandoned Vehicle Trust Fund to each service authority in proportion to the revenues received from the fee imposed by that authority pursuant to subdivision (a). If any funds received by a service authority pursuant to this section are not expended to abate abandoned vehicles pursuant to an approved abandoned vehicle abatement program within 90 days of the close of the fiscal year in which the funds were received and the amount of those funds exceeds the amount expended by the service authority for the abatement of abandoned vehicles in the previous fiscal year, a fee imposed pursuant to subdivision (a) shall be suspended for one year, commencing the following January 1.

(c) The fee imposed by a service authority shall remain in effect only for a period of 10 years from the date that the actual collection of the fee commenced.

SEC. 2. Section 22710 of the Vehicle Code is amended to read:

22710. (a) A service authority for the abatement of abandoned vehicles may be established, and a one dollar (\$1) vehicle registration fee imposed, in any county if the board of supervisors of the county, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county have adopted resolutions providing for the establishment of the authority and imposition of the fee. The membership of the authority shall be determined by concurrence of the board of supervisors and a majority vote of the majority of the cities within the county having a majority of the incorporated population.

(b) The authority may contract and may undertake any act convenient or necessary to carry out any law relating to the authority. The authority shall be staffed by existing personnel of the city, county, or county transportation commission.

(c) (1) Notwithstanding any other provision of law, a service authority may adopt an ordinance establishing procedures for the abatement, removal, and disposal, as public nuisances, of any abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property; and for the recovery, pursuant to Section 25845 or 38773.5 of the Government Code, or



assumption by the service authority, of costs of administration and that removal and disposal. The actual removal and disposal of vehicles shall be undertaken by an entity that may be a county or city or the department, pursuant to contract with the service authority as provided in this section.

(2) The money received by an authority pursuant to Section 9250.7 and this section shall be used only for the abatement, removal, and disposal as public nuisances of any abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.

(d) (1) An abandoned vehicle abatement program and plan of a service authority shall be implemented only with the approval of the county and a majority of the cities having a majority of the incorporated population.

(2) The department shall provide guidelines for abandoned vehicle abatement programs. An authority's abandoned vehicle abatement plan and program shall be consistent with those guidelines, and shall provide for, but not be limited to, an estimate of the number of abandoned vehicles, a disposal and enforcement strategy including contractual agreements, and appropriate fiscal controls.

The department's guidelines provided pursuant to this paragraph shall include, but not be limited to, requiring each service authority receiving funds from the Abandoned Vehicle Trust Fund to report to the Controller on a quarterly basis, in a manner prescribed by the department, the manner that the funds were disbursed, and the number of vehicles abated, pursuant to an approved abandoned vehicle abatement program. The report shall be submitted to the Controller not later than 90 calendar days following the end of the previous quarter.

(3) After a plan has been approved pursuant to paragraph (1), the service authority shall, not later than August 1 of the year in which the plan was approved, submit it to the department for review, and the department shall, not later than October 1 of that same year, either approve the plan as submitted or make recommendations for revision. After the plan has received the department's approval as being consistent with the department's guidelines, the service authority shall, not later than January 1 of the following year, submit it to the Controller.

(4) Except as provided in subdivision (e), the Controller shall make no allocations for a calendar year to a service authority for which an approved plan was not received on or before January 1 of that year, or when a county has failed to provide its quarterly report as required in paragraph (2).

(5) No governmental agency shall receive any funds from a service authority for the abatement of abandoned vehicles pursuant to an approved abandoned vehicle abatement program unless the

governmental agency has submitted a quarterly report to the service authority stating the manner in which the funds were expended, and the number of vehicles abated. The governmental agency shall receive that percentage of the total funds collected by the service authority that is equal to its share of the formula calculated pursuant to paragraph (6).

(6) Each service authority shall calculate a formula for apportioning funds to each governmental agency that receives funds from the service authority and submit that formula to the Controller with the quarterly report required pursuant to paragraph (2). The formula shall apportion 50 percent of the funds received by the service authority to a governmental agency based on the percentage of vehicles abated by that governmental agency of the total number of abandoned vehicles abated by all member agencies, and 50 percent based on population and geographic area, as determined by the service authority. When the formula is first submitted to the Controller, and each time the formula is revised thereafter, the service authority shall include a detailed explanation of how the service authority determined the apportionment between per capita abatements and service area.

(e) Any plan that has been submitted to the Controller pursuant to subdivision (d) may be revised pursuant to the procedure prescribed in that subdivision, including compliance with any dates described therein for submission to the department and the Controller, respectively, in the year in which the revisions are proposed. Compliance with that procedure shall only be required if the revisions are substantial. A service authority that is newly formed and has not complied with subdivision (d) may so comply after the dates specified in subdivision (d) by submitting an approved plan on or before those dates in the year in which the plan is submitted.

(f) For purposes of this section, “abandoned vehicle abatement” means the removal of a vehicle from public or private property by towing or any other means after the vehicle has been marked as abandoned by an official of a governmental agency that is a member of the service authority.

(g) A service authority shall cease to exist on the date that all revenues received by the authority pursuant to this section and Section 9250.7 have been expended.

SEC. 3. The sum of four hundred eighty thousand dollars (\$480,000) is hereby appropriated from the Abandoned Vehicle Trust Fund to the Controller for allocation to the service authorities for the abatement of abandoned vehicles in the City and County of San Francisco and the County of San Benito, from which funds were withheld during the 1997 calendar year by the Controller under paragraph (4) of subdivision (d) of Section 22710 of the Vehicle Code, with those allocations to be in an amount equal to the amount that was withheld in that calendar year.

SEC. 4. No reimbursement shall be made from the State Mandates Claims Fund pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other provisions of law.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to allocate, at the earliest possible time, funds to service authorities for the abatement of abandoned vehicles from which funds were withheld during the 1997 calendar year, it is necessary that this act take effect immediately.

